

JS 44 (Rev. 10/20)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

DEARBORN GOLDEN INVESTMENTS, LLC

(b) County of Residence of First Listed Plaintiff Wayne
(EXCEPT IN U.S. PLAINTIFF CASES)(c) Attorneys (Firm Name, Address, and Telephone Number)
ALEXANDER V. LYZOHUB (P34422) 14700 Farmington
Rd., Ste 101, Livonia, MI 48154, (734) 427 5555,
lvzohubsecretary@yahoo.com**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- | | |
|--|---|
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input checked="" type="checkbox"/> 3 Federal Question
(U.S. Government Not a Party) |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input type="checkbox"/> 4 Diversity
(Indicate Citizenship of Parties in Item III) |

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Citizen of This State	PTF	DEF	PTF	DEF
<input type="checkbox"/> 1	<input type="checkbox"/>	<input type="checkbox"/> 1	<input checked="" type="checkbox"/> 4	<input type="checkbox"/> 4
<input type="checkbox"/> 2	<input type="checkbox"/>	<input type="checkbox"/> 2	<input type="checkbox"/>	<input type="checkbox"/> 5
<input type="checkbox"/> 3	<input type="checkbox"/>	<input type="checkbox"/> 3	<input type="checkbox"/>	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tarn (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability		<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability		<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud		<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending		<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage		<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability		<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability			<input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury			<input type="checkbox"/> 485 Telephone Consumer Protection Act
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice			<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 196 Franchise				<input type="checkbox"/> 850 Securities/Commodities/ Exchange
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	SOCIAL SECURITY	<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> Habeas Corpus:	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 863 DIWC/DIW (405(g))	<input type="checkbox"/> 895 Freedom of Information Act
<input checked="" type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> Other:	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 950 Constitutionality of State Statutes
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 871 IRS—Third Party	
		<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 26 USC 7609	
		<input type="checkbox"/> 555 Prison Condition		
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		
IMMIGRATION				
		<input type="checkbox"/> 462 Naturalization Application		
		<input type="checkbox"/> 465 Other Immigration Actions		

V. ORIGIN (Place an "X" in One Box Only)

- | | | | | | | |
|---|---|--|---|--|--|---|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from Another District (specify) _____ | <input type="checkbox"/> 6 Multidistrict Litigation - Transfer | <input type="checkbox"/> 8 Multidistrict Litigation - Direct File |
|---|---|--|---|--|--|---|

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
21 USC Section 811, 21 USC Section 812(d)(1), 18 USC Section 1961 et. seq.**VI. CAUSE OF ACTION**Brief description of cause:
Abate illegal nuisance, and RICO case.**VII. REQUESTED IN COMPLAINT:** CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.**DEMAND \$**

\$75,000+

CHECK YES only if demanded in complaint:

JURY DEMAND: Yes No**VIII. RELATED CASE(S) IF ANY**

(See Instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

11/23/2020

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT _____

APPLYING IPP _____

JUDGE _____

MAG. JUDGE _____

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DEARBORN GOLDEN INVESTMENTS, LLC,
A Michigan Limited Liability Company,

Plaintiff,
V.

Case No. 20
Hon.

UPPERCUT BROS, LLC, A Michigan Limited Company,
ABBAS BAZZY, an Individual, RY LANDSCAPING LLC,
a Michigan Limited Liability Company,
and RANDY YOUEHAN, an Individual,
jointly and severally,

Defendants.

**COMPLAINT &
JURY DEMAND**

ALEXANDER V. LYZOHUB (P34422)
Attorney for Plaintiff
14700 Farmington Rd., Ste 101
Livonia, MI 48154
(734) 427-5555
lyzohubsecretary@yahoo.com

COMPLAINT AND DEMAND FOR TRIAL BY JURY

NOW COMES, plaintiff, DEARBORN GOLDEN INVESTMENTS, LLC, by and through its attorney, ALEXANDER V. LYZOHUB, and for its Complaint against the above-named defendants states as follows:

JURISDICTION AND VENUE

1. This is a civil action by plaintiff against defendants to abate a nuisance, and for damages, due to defendants' illegal criminal enterprise of manufacturing marijuana business, which is conducted contrary to the laws of the United States, including 21 USC Section 811, and 21 USC Section 812(d)(1). The defendants are Uppercut Bros, LLC, Abbas Bazzi,

RY LANDSCAPING LLC, A Michigan Limited Liability Company and Randy Youhan, jointly and severally. The complained of conduct is performed by defendants upon plaintiff's real property located at 6650 Chase Road, and 6550 Chase Road; City of Dearborn, Wayne County, State of Michigan.

2. This is also a civil action by plaintiff against defendants under Title IX of the Organized Crime Control Act of 1970, 18 USC section 1961 et. seq., entitled "Racketeer Influenced and Com1pt Organization" (RICO). The RICO case complains of defendants' illegal criminal enterprise of marijuana manufacturing business conducted upon plaintiff's real property located at 6650 Chase Road, and 6550 Chase Road, City of Dearborn, Wayne County, Michigan. Plaintiff seeks general injunctive relief equity powers based on pendant claims [*USACO Coal Company v Carpomin Energy, Inc.*, 539 F. Supp. 807 (WD KY), affirmed, 689 F2d 94 (6th Cir 1982)], and for civil penalty damages, treble damages, costs, and attorney's fees.
3. Plaintiff, DGI, LLC ("DGI"), is a duly organized and operating Michigan Limited Liability Company and the real property owner and landlord of 6650 Chase Road ("premises"), City of Dearborn, County of Wayne, State of Michigan and 6550 Chase Road, City of Dearborn, County of Wayne, State of Michigan, collectively herein as the premises ("premises"). The metes and bounds legal description of the premises is attached hereto as Exhibits "A & B". 6650 Chase Road a 17,670 square foot warehouse. 6650 Chase Road has a 44,661.8 Square foot warehouse. Exhibit "C" - Dearborn Assessor's build-sheet sketch of the premises for 6650, and Exhibit "D" – Dearborn Assessor's build-sheet sketch of the premises for 6550 Chase Road.

4. This action is being brought by DGI's 30% member, Hassan Hammond, derivatively pursuant to MCL 450.4510, due to DGI's failure to abate the illegal business constituting a de facto rejection of demand, and because DGI is subject to irreparable harm from government forfeiture without compensation to DGI. 21 USC Section 881(7).
5. Defendant, Uppercut Bros, LLC ("Uppercut"), is a duly organized and operating Michigan Limited Liability Company, transacting its affairs in the City of Dearborn, County of Wayne, State of Michigan, and a tenant at the premises.
6. Defendant, Abbas Bazzy, is an individual transacting his affairs in the City of Dearborn, County of Wayne, State of Michigan, and is actively participating in, and the managing member, of co-defendant Uppercut.
7. Defendant, RY LANDSCAPING LLC ("RYL") is a duly organized and operating Michigan Limited Liability Company, transacting its affairs in the City of Dearborn, County of Wayne, State of Michigan, and a tenant at the premises.
8. Defendant, Randy Youhan, is an individual transacting his affairs in the City of Dearborn, County of Wayne, State of Michigan, and is actively participating in, and the managing member, of co-defendant RYL.
9. Venue lies in the United States District Court for the Eastern District of Michigan because all or a substantial part of the events or omissions giving rise to the plaintiffs' claims occurred in the County of Wayne, State of Michigan.
10. Divisional venue is in the Southen1 Division because all or a substantial part of the events leading to the claim for relief arose in the County of, Wayne, State of Michigan.

11. The amount in controversy is well in excess of \$75,000 exclusive of costs, attorney fees, and interest, there exists a federal question, two counts deal with RICO, and plaintiff seeks injunctive relief.

FACTUAL ALLEGATIONS

12. Plaintiff repeats herein paragraphs 1-8 as fully set forth herein.
13. Defendants owed duties to the public, and to plaintiff, as follows:
 - a. To not violate the laws of the United States, State of Michigan, and City of Dearborn;
 - b. To act in a legal, proper, reasonable, and good faith manner;
 - c. To not perform any activities that could cause or create any nuisance at the premises,
 - d. To not interfere with plaintiffs right to reasonable use and enjoyment of its land.
14. From February 1, 2020 thru present, defendants occupied the premises and have created, maintained, and conducted an illegal marijuana manufacturing business of a vast number of marijuana plants (plants) occupying the majority of the premises, and causing noxious odors to emanate from the premises. This business activity includes purchasing products from interstate commerce to conduct their business, planting the plants, growing the plants, cultivating and harvesting the plants repeatedly during the year, consuming enormous amounts of public utility electricity to light/heat/ventilate/cultivate the plants, consuming enormous amounts of public utility water, transacting and selling for monetary gain the marijuana products from the plants to third parties, conducting business with the use of banks/checks/financial institution systems which are regulated

under federal and state law, conducting business with the use of the United States mails, conducting business with the use of electronic communication devices, conducting business with the use of the Internet, and or conducting business with the use of interstate commerce roads; all violative of 18 USC Section 1962(c). ("illegal business").

15. Defendants have no legal authority to conduct a large-scale marijuana grow operation.
16. The City of Dearborn has not issued any licenses to the defendants, nor any person or entity for that matter, to conduct any large-scale marijuana grow business, and assuming it had the state authority, federal law would pre-empt any such attempt otherwise.
17. On February 14, 2019, all the members of plaintiff had a suspicion that the illegal business was being operated at certain of plaintiff's real properties, including 6650 Chase. Consequently, all members, Hussein (50%), Hassan (30%), and Mahmoud (20%), made a corporate mandate to prohibit such conduct: "DGI shall further terminate and evict the tenants of all units wherein the Parties determine that illegal activity may be taking place (sic ' place')." Settlement Agreement and Mutual Release, Page 3, Paragraph 5.
18. Plaintiff is entitled to its right to reasonable use and enjoyment of its land.
19. On or about March 13, 2020 Hassan Hammond gave written notice to DGI and all its members of the continued illegal business at the premises as a precondition to the derivative lawsuit.
20. No action was taken by DGI to abate the illegal business.
21. The illegal business activity is yet occurring at the premises.

22. Since DGI took no formal action to abate the illegal business activity at DGI real properties, pursuant to MCL 450.4510, Hassan Hammoud is derivatively proceeding in the name of DGI in the case at bar.

COUNT I: ACTION TO ABATE NUISANCE

23. Plaintiff repeats herein paragraphs 1 - 21 as fully set forth herein.

24. Defendants' conduct was intentional to create and maintain the illegal business.

25. Defendants' illegal business constitutes an intentional and private nuisance upon plaintiff's land ("nuisance"). *McCraken v Redford Township*, 176 Mich App 365 (1989); and *Atkins v Thomas Sullivan Co.*, 440 Mich 292 (1992).

26. As a direct and proximate result of defendants' nuisance, plaintiff has been damaged and continues to be damaged in the following:

- a. Exposure to plaintiff, including, all its members, to criminal prosecution and civil liability by harboring a continuing criminal enterprise;
- b. Potential forfeiture of all plaintiff's real property involved in the continuing criminal enterprise;
- c. Restoration costs to the premises to return this real property to a rentable storage or warehouse facility;
- d. Diminution in value of plaintiff's real property;
- e. Loss of reasonable use and enjoyment of its real property;
- f. Loss of reasonable rent;
- g. Reasonable costs and attorney's fees so wrongfully suffered;

27. Such other damages that form naturally and consequentially from defendants' actions.

WHEREFORE, plaintiff prays that this Honorable Court:

- A. GRANT preliminary and final injunctive relief ordering defendants to cease and desist in their illegal business and to abate this nuisance;
- B. AWARD plaintiff all damages against defendants, jointly and severally, to which it is entitled;
- C. ORDER all other legal or equitable relief to which plaintiff may be entitled under the circumstances, including costs, interest, and reasonable attorney's fees.

**COUNT II (RACKETEER INFLUENCE AND CORRUPT
ORGANIZATIONS ACT - RICO)**

28. Plaintiff repeats herein paragraphs 1 - 27 as fully set forth herein.
29. Defendants, directly or indirectly, performed two or more of the following non-exclusive predicate acts in the conduct of their illegal business enterprise' s affairs constituting a pattern of racketeering activity (racketeering activity):
 - a. The repeated felonious growing, manufacture, selling, and or dealing of a controlled substance which is drug-related activity indictable and punishable under federal law, to-wit: marijuana, contrary to 21 USC Section 811, and 21 USC Section 812(d)(l).
 - b. Repeatedly using interstate commerce to receive and pay their numerous bills by mail posing as a legitimate business constituting mail fraud. 18 USC Section 1341.

- c. Repeatedly using interstate commerce via cell phones and Internet to communicate with third parties posing as a legitimate business to conduct their illegal business, constituting wire fraud. 18 USC Section 1343.
- d. Repeatedly using the banking system to ostensibly appear as a legitimate business when, in fact, this is a fraudulent scheme to use, maintain, and further the illegal business criminal conduct enterprise with the use of bank accounts, deposits of money made from the illegal enterprise into bank accounts, pay bills with checks via the mail system, engaging in monetary transactions in property derived from the specific unlawful activity, and or engaging in illegal money transmitters. 18 USC Sections 1344, 1957, and 1960.

30. As a direct and proximate result of defendants' racketeering activity, plaintiff has suffered a loss and been damaged in the following non-exclusive manner:

- a. Exposure to plaintiff, including, all its members, to criminal prosecution and civil liability by harboring a continuing criminal enterprise;
- b. Potential forfeiture of all plaintiff's real property involved in the continuing criminal enterprise;
- c. Restoration costs to the premises to return this real property to a rentable storage or warehouse facility;
- d. Diminution in value of plaintiff's real property;
- e. Loss of reasonable use and enjoyment of its real property;
- f. Loss of reasonable rent;
- g. Reasonable costs and attorney's fees so wrongfully suffered;

- h. Such other damages that form naturally and consequentially from defendants' actions.
31. Pursuant to 18 USC Section 1964(c), plaintiff is entitled to recover against defendants, jointly and severally, threefold damages sustained and the cost of this suit, including plaintiff's reasonable attorney fees.

WHEREFORE, plaintiff prays that this Honorable Court:

- A. GRANT preliminary and final injunctive relief ordering defendants to cease and desist in their illegal business and to abate this nuisance;
- B. AWARD plaintiff all damages against defendants, jointly and severally, to which it is entitled;
- C. AWARD plaintiff a trebling of damages against defendants, jointly and severally, to which it is entitled;
- D. ORDER all other legal or equitable relief to which plaintiff may be entitled under the circumstances, including costs, interest, and reasonable attorney's fees.

COUNT III (RICO CONSPIRACY IN VIOLATION OF 18 USC SECTION 1962)

32. Plaintiff repeats herein paragraphs 1 - 31 as fully set forth herein.
33. Defendants actions have violated 18 USC Section 1962(d), by conspiring to violate 18 USC Section 1962(a)[Income derived from a pattern of racketeering activity], (b)[Acquire or maintain any interest or control of Uppercut and RYL from a pattern of racketeering activity], (c)[Conduct or participate in the conduct of Uppercut/RYL's affairs thru a pattern of racketeering activity]; constituting a RICO conspiracy.

34. As a direct and proximate result of defendants' RICO conspiracy, plaintiff suffered a loss and has been damaged as hereinbefore set forth.

WHEREFORE, plaintiff claims judgment against defendants as hereinbefore set forth.

COUNT IV (CIVIL CONSPIRACY)

35. Plaintiff repeats herein paragraphs 1 - 34 as fully set forth herein.

36. Defendants actions as hereinbefore set forth, by concerted action and agreement, accomplished an unlawful end, or a lawful end by unlawful means, constituting a civil conspiracy.

37. As a direct and proximate result of defendants' civil conspiracy, plaintiff has suffered a loss and been damaged as hereinbefore set forth.

WHEREFORE, plaintiff claims judgment against defendants as hereinbefore set forth.

DEMAND FOR TRIAL BY JURY IS HEREBY MADE

Respectfully submitted,

Dated: 11/23/2020


ALEXANDER V. LYZOHub (P34422)
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(734) 427-5555
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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DEARBORN GOLDEN INVESTMENTS, LLC,
A Michigan Limited Liability Company,

Plaintiff,
V.

Case No. 20
Hon.

UPPERCUT BROS, LLC, A Michigan Limited Company,
ABBAS BAZZY, an Individual, RY LANDSCAPING LLC,
a Michigan Limited Liability Company,
and RANDY YOUSHAN, an Individual,
jointly and severally,

JURY DEMAND

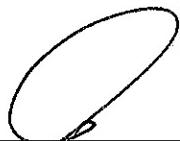
Defendants.

ALEXANDER V. LYZOHub (P34422)
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(734) 427-5555
lyzohubsecretary@yahoo.com

DEMAND FOR TRIAL BY JURY IS HEREBY MADE BY PLAINTIFF.

Respectfully submitted,

Dated: 11/23/2020



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